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EAST TIMOR

Jose Antonio Belo: An Update

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Introduction

On 9 January 1995, 24 youths and students, including **Jose Antonio Belo**, were arrested after a peaceful demonstration at the University of East Timor in Dili, the capital of East Timor. While in detention, at least two of the group, and possibly others, were tortured and beaten. Sixteen were sentenced to prison terms ranging from 18 months to two years and two months. They are all prisoners of conscience and Amnesty International is calling for their immediate and unconditional release.

In response to appeals on behalf of Jose Antonio Belo and the others detained with him, the Indonesian Government denied reports that Jose Antonio Belo was tortured and that he was not given a fair trial. Amnesty International considers that this information provided by the Indonesian Government is not accurate.

This update provides background to the arrests, details of the Indonesian Government's claims and Amnesty International's response to those claims.

Background

Jose Antonio Belo, a 24 year old student, and 23 other youths were arrested on 9 January at a peaceful demonstration at the University of East Timor in Dili. Belo and another detainee, Jose Pinto, were taken to the military intelligence unit (*Satuan Tugas Intelijen - SGI*) where they were beaten, reportedly to the point of losing consciousness. They were then transferred to the District Police office in Comoro but Belo was taken back to SGI and held there until 13 January. Belo was denied food for two days and his arms and legs were tied up. He was then hung upside down overnight. When he was taken down he was beaten with sticks, wires and was reportedly subjected to electric shocks. While this was happening Major Laedon Simbolon, East Timor military spokesperson, denied that there was any reason to be concerned for the group's well-being; "We take good care of them and feed them, just to let them tell us the truth about why they did the demonstration and who stood behind them".[1]

Jose Antonio Belo was apparently subjected to torture because he was suspected of being the "mastermind" behind the peaceful demonstration. According to information received by Amnesty International, Belo was pressured to tell human rights monitoring organizations that he had not been subjected to ill-treatment or torture. He was also pressured to say that he did not want any further visits from monitoring organizations.

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[1] Reuters, 12 January 1995.

On 1 April, Jose Antonio Belo was reported to have been tortured again by jail officials at Becora prison until he vomited blood and received a wound on his neck. This treatment was apparently because Belo had "behaved badly" in the jail. There are unconfirmed reports that Belo was beaten again in September.

In March 1995 the trials of 16 of the demonstrators began at the Dili District Court. All 16 were charged under Article 154 of the Indonesian Criminal Code which states that "...the public expression of feelings of hostility, hatred or contempt toward the government" is punishable by up to seven years' imprisonment. Belo, who was accused of being the leader of the demonstration, was sentenced on 8 May to 18 months' imprisonment. Despite this accusation Belo unexpectedly received a lighter sentence than the other demonstrators (see Appendix I).

The Government's response:

Arrest and Trial

The Indonesian Government responded to appeals concerning Jose Antonio Belo and the other 15 tried and sentenced, with letters which denied the claims of torture and unfairness during the trials. The letters also justified the arrest and imprisonment of peaceful critics of Indonesia's rule in East Timor. In a letter from the Indonesian Embassy in New Zealand, the government stated:

> *The demonstration of 9 January 1995 was engineered by an anti-Indonesian group, working with some foreign persons, with the intention of displaying an anti-integration attitude. Such a demonstration always develops into a riot that disturb[s] the peace, and so was the case with this one. The person concerned [Jose Antonio Belo] was detained not because he merely expressed his thoughts and opinions peacefully in public, but merely because such an activity has been purposely geared to becoming a riot which would attract foreign attention...*

Another government response alleged that Jose Antonio Belo "*was the leader of the violence demonstration [sic] by showing banners...*".[2] Amnesty International is not aware of any evidence being presented by the courts that the defendants were involved in violent activities or that the demonstration itself - which lasted less than five minutes - was violent. The organization considers that the imprisonment of Jose Antonio Belo and the other 15 demonstrators is yet another illustration of the Indonesian

[2] Letter from Embassy of the Republic of Indonesia, Brussels, 29 August 1995.

Government's unwillingness to tolerate peaceful dissent. Those who attract international attention to human rights violations in East Timor or demonstrate for East Timorese independence are at greater risk of lengthy terms of imprisonment.

Torture and ill-treatment

The letters from the Indonesian Government also denied the reports of torture and ill-treatment of Jose Antonio Belo:

> *While he was being detained for interrogation he was treated humanely and he was given his full rights as declared in the Criminal Code. Apart from that, he was also visited by representatives of the International Committee of the Red Cross (ICRC) and the Indonesian Human Rights Commission... There was no proof that Belo has experienced any torture or mistreatment.*[3]

Amnesty International received credible reports, including eyewitness testimony, of the treatment Jose Antonio Belo was subjected to in detention. The organization considers that torture of political detainees in East Timor is routine, a finding which was also reflected in the 1992 report of the United Nations Special Rapporteur on torture. Amnesty International continues to receive testimonies of detainees who have been beaten and tortured, including with the use of electric shocks and cigarette burns. Detainees also continue to describe being pressured into not informing human rights monitoring organizations of ill-treatment and torture.

Access to lawyers

The Indonesian Government denied the claims that Jose Antonio Belo was denied access to independent lawyers:

> *I can assure you that whilst in detention, Mr Belo was not harmed in any way whatsoever, and any report otherwise is simply baseless propaganda. Throughout his trial, Mr Belo was accompanied by his lawyer, and was treated in accordance with Indonesian law and regulations. Mr Belo was given a fair trial by an independent court, and had the benefit of counsel and all due process of law.*[4]

[3] Letter from the Embassy of the Republic Indonesia, New Zealand, 14 September 1995.

[4] Letter from the Embassy of the Republic of Indonesia, London, United Kingdom, 29 September 1995.

Political trials in East Timor are routinely unfair. Detainees are frequently denied access to independent lawyers of their own choice, are threatened into withdrawing power of attorney from independent lawyers, are forced under duress to sign statements and are frequently hindered in bringing defence witnesses to the court. The courts frequently accept testimony extracted under torture or pressure.

In the case of Jose Antonio Belo and his 15 co-defendants, Amnesty International is concerned that lawyers seeking to meet with the detainees were initially prevented from meeting with them. The group were also believed to have been denied access to their families for ten days after they were arrested. Information concerning the scheduling of the trials was withheld from the defendants and their families until immediately prior to the trials' beginning, making preparation for the trial difficult. Despite claims by the Indonesian Government to the contrary, eyewitnesses reported that Jose Antonio Belo was not represented by lawyers but defended himself. At the time of the trials, the Catholic Bishop of Dili, Mgr Carlos Filipe Ximenes Belo stated that the group were on trial without lawyers: "*People do not have the right to have a defence lawyer, they are in God's hands and have to defend themselves.*"[5]

While the Indonesian Government continues to deny the claims of Amnesty International and others concerning Jose Antonio Belo and his co-defendants, the 16 remain imprisoned for their peaceful opposition to the Indonesian occupation of East Timor. The organization calls again for their immediate and unconditional release as prisoners of conscience.

KEYWORDS: PRISONERS OF CONSCIENCE / STUDENTS / JUVENILES / TORTURE/ILL-TREATMENT

[5]Radio Renascenca, Portugal, 14 April 1995.

Appendix I

List of 16 East Timorese youths and students arrested and sentenced for demonstrating at the University of East Timor in January 1995

Name	Age	Sentence
Alexandrino da Costa	18 or 20	2 years 2 months
Alfredo Lopes	20-22	2 years
Bendito Salon	17 or 19	2 years
Carlos Bernes Barreto	20 or 24	2 years 2 months
Filomeno dos Santos	20	1 year 8 or 9 months
Ignacio de Jesus Santos	24	1 year 8 or 9 months
Ipolito da Silva (Hipolito da Silva)	17	2 years 2 months
Joao Manuel	19	1 year 8 or 9 months
Jose Hendriques	24	2 years 1 month
Jose Pinto	23	2 years 2 months
Jose Antonio Belo	24	1 year 6 months
Luis Tavares	17 or 18	2 years 2 months
Paulo Jose Amaral (Paulo Jorge Amaral)	21 or 23	2 years 2 months
Pedro da Costa (Pedro da Costa Apin)	19	2 years 2 months
Zito Lemos Barreto	21 or 23	1 year 9 months
Mario Pinto Ximenes (Mario Pinto da Costa Ximenes)	20 or 23	2 years 2 months